

United States District Court  
for the  
Southern District of Florida

United States Sugar Corporation,	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 22-21737-Civ-Scola
	)	
Commerce and Industry Insurance	)	
Company, Defendant.	)	

**Order**

This matter is before the Court on the motion for leave to file cross-motion for summary judgment by Defendant Commerce and Industry Insurance Company (“C&I”). (Mot., ECF No. 124.) Plaintiff United States Sugar Corporation (“US Sugar”) has responded in opposition. (Resp., ECF No. 129.) C&I has replied in support of its motion. (Reply, ECF No. 130.) After careful consideration of the briefing, the record, and the relevant legal authorities, the Court **grants** C&I’s motion. (**ECF No. 124.**)

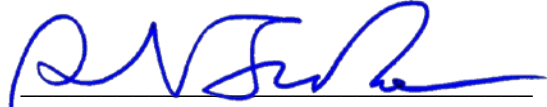
Federal Rule of Civil Procedure 16(b)(3)(A) requires district courts to issue a scheduling order in all cases that sets the deadline by which the parties must complete discovery. The scheduling order “may be modified only for good cause and with the judge’s consent.” Fed. R. Civ. P. 16(b)(4). Rule 16’s good cause standard requires a party seeking an amendment to a scheduling order to demonstrate that “the schedule cannot be met despite the diligence of the party seeking the extension.” *Oravec v. Sunny Isles Luxury Ventures, L.C.*, 527 F.3d 1218, 1233 (11th Cir. 2008) (citation omitted). The Court finds that C&I’s motion is supported by good cause: US Sugar’s motion for summary judgment, which the Court previously allowed US Sugar to file after the dispositive motion deadline had passed, raises legal issues that US Sugar had previously reserved for trial, and C&I should be allowed a full opportunity to address those issues in briefing. (Mot. at 4.)

For the reasons stated above, the Court **grants** C&I’s motion for leave to file cross-motion for summary judgment. (**ECF No. 124.**) C&I’s motion for summary judgment, attached to this motion as Exhibit A, is deemed filed as of today’s date, although C&I must separately refile the motion on the docket no later than tomorrow, **June 8, 2023**. (Mot. Ex. A, ECF No. 124-1.) US Sugar shall file its response in opposition to the motion for summary judgment, if any, no later than **June 22, 2023**. US Sugar shall file its reply, if any, no later than **June 29, 2023**.

Additionally, the Court **resets** this matter for trial during the two-week trial period beginning on **July 31, 2023**. Calendar call will be held at 9:00 a.m. on the

**preceding Tuesday, July 25, 2023**, at the Wilkie D. Ferguson, Jr. United States Courthouse, 400 N. Miami Avenue, Courtroom 12-3, Miami, Florida. A pretrial conference will be held immediately following calendar call only if requested by the parties in advance. The calendar call set for 9:00 A.M. on June 27, 2023, is **canceled**.

**Done and ordered** in Miami, Florida, on June 7, 2023.

A handwritten signature in blue ink, appearing to read 'R. N. Scola, Jr.', written over a horizontal line.

Robert N. Scola, Jr.  
United States District Judge